

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.**

WRIT PETITION NO. 554 OF 2004

Dr. Bhalchandra Bhikaji Gokhale
and anr. .. Petitioners.
Vs
Dr Hemant Suresh Gokhale and anr .. Respondents.
Mr A.A.Garge, for the petitioners.

CORAM : D.B.BHOSALE, J.
DATE : 12.01.2007.

PC:

1. Heard the learned counsel for the petitioners.
2. This petition by original defendant nos.1 and 2, father and grand-father of respondent no.1, is directed against the concurrent findings recorded by the courts below. Both the courts below, after having considered the entire material on record, observed that respondent no.1, that is, original defendant no.3, was born in the suit premises and was residing with his grand parents till he completed his education and was in occupation at the time of the death of his grand mother, who was the tenant in the suit premises. The discussion to that effect is found in paragraphs 18,19, and 20 of the judgment of the appeal court. I am informed that petitioner no.1-grand father, who was also residing in the suit premises at the time of the death of his wife,

has also expired. Keeping that in view and considering

the concurrent findings of facts recorded by the courts below and as I find that there is sufficient material on record to sustain those findings and considering the extremely limited jurisdiction of this Court under Article 227 of the Constitution of India to disturb the findings of facts, no interference is warranted. The writ petition, therefore, fails and is dismissed as such.

(D.B.BHOSALE, J.)